
**FIT MOTHERS: HOW
TO SCAR DEMOCRACY
AND STILL BE
PROGRESSIVE?**

ESZTER A. TIM 

There was a brief moment late last year when it seemed that Hungary actually surpassed Western countries such as Germany, Sweden or the United States in tolerance of the sexual minorities. In October 2001, Károly Ráz, or as s/he is better known, Terry Black, an entertainer working as a transvestite, rejoiced in Hungarian media over the fact that she was allowed to adopt a baby. She emphasized how proud she was to be the first transvestite in Europe to have been granted the right to do so. She pointed out that she had adopted a baby boy through a perfectly official procedure, the so-called open adoption. Open adoption is the kind of adoption when the biological parent knows the adopting parent; this procedure makes it possible for the adopting parent to start caring for the baby immediately after birth. The media, of course, gave much attention to this exciting and sensational story. Terry Black told journalists that she and the boy's mother had agreed on the adoption as the mother lived in poverty and thought that the baby would be better off with an adoptive parent. After concluding the agreement, Terry Black went through the required procedure that declared him a fit adoptive parent. The procedure is required by the Court of Guardians and administered by the local Child Protection Expert Service (CPES), whose decision the Court of Guardians observes. The service considered Terry Black, or rather, Károly Ráz, to be a person fit for rearing a child.

It was at this point, on October 29th, three weeks after the new parent had taken the baby home, that the minister responsible for social and family issues joined the media ride: he thought it inconceivable that a transsexual could legally adopt

a child in Hungary. He made it clear that, as a minister, he would have the process through which Terry Black could become a parent reviewed, suggesting that he intended to reverse the process and take the baby away from the transvestite. Even though the Court of Guardians as an institution falls within the jurisdiction of the Ministry, the decisions of the CPES cannot be vetoed by the minister. The head of the CPES was quick to point out that only the public prosecutor was authorized to do that but only concerning formal issues: he could not annul the content and the validity of the decision. He also reminded the public that it was illegal in Hungary to discriminate against people of different political or ideological attitudes, religious background or sexual identity. The CPES has to proceed accordingly when passing decisions in adoption cases. Therefore, he did not understand what exactly the minister wished to have reviewed in the present case: after all, blind people had been allowed to adopt children before, and cases could certainly be found of closet gays having been permitted to adopt children. At the same time, an official of the Ministry of Social and Family Affairs said that only people who were able to provide harmonious mental development were allowed to adopt children, and added: "Blind people do not get a driver's license either."

Meanwhile, the public got acquainted with the biological parents, mainly the mother. Far from embodying the stereotypical image of an impoverished but good mother, she turns out to be a person of loose morals: while the minister was preparing to interfere with the procedure, it turned out that the open adoption, previously described as a harmonious agreement between two philanthropic parties, Terry Black and the mother of limited means, was in fact, at least for the mother, a business deal. She had demanded 3.7 million forints from the entertainer in exchange for the baby. The good citizen Terry Black secretly videotaped a conversation between himself and the mother about the sum in question. The videotape serves two purposes at the same time. By playing it, he can prove that the mother is a heartless trafficker, and present himself as a worthy citizen: the fact that he arranged for the incriminating conversation to be recorded implies that he never intended to take part in any illegal activity. The timing is precise: just when the minister interference and presents a contrast between the perverted entertainer (a useless piece of trash in society) and the poor unfortunate mother, inviting us to despise the former and sympathize with the latter, he attempts to reverse this by presenting himself as a responsible, reliable citizen and the other as a criminal.

So it turns out that the mother decided to give up the child not because she cared about the child but because she cared about herself (the possi-

bility that both kinds of "caring" were present never seemed to emerge—she is mentioned either as a poor mother or as a wicked criminal). Moreover, it also turns out that in the past she used to make a living acting in porn movies. Even shooting scenes where she copulated with a dog when six months pregnant with the child. Clearly, she does not have anything more to lose than her status as a fit mother: loose sexual morals are coupled with activities endangering the unborn baby who was to be sold.

Let us focus here on the person who switches from the position of a mother to the position of the exact opposite of a mother, one endangering the child instead of caring for it. I was very intrigued by how much the information on the kind of movies she allegedly took part in affected people and changed their view of this woman. Regardless of what actually happened, child trafficking is an illegal act. Copulating with an animal in front of a camera may be repulsive but is not illegal. Illegal acts may not be repulsive, indeed, very often these acts are illegal because they do not immediately seem repulsive – they seem to be worth doing for some reason. That which is outlawed is still very often part of a range of possible behaviors that society tries to regulate with laws. We tended to be outraged when the fact that she wanted money for the baby hit the news. But it was not beyond our imagination; it was still within the sphere of the conceivable.

Repulsive acts, on the other hand, do not necessarily have to be outlawed to inspire aversion. But it is precisely because repulsion operates on a proto-rational level, a level prior to rational deliberation characterizing the law, that we cannot always explain what exactly is repulsive, we just know it is unnatural. But even repulsion is relative: having sex with a dog becomes very repulsive when it is associated with a woman in the position of a mother. Motherhood and sex are, somewhat paradoxically, almost mutually exclusive concepts in our minds (that this is a conceptual opposition is shown by the fact that these concepts violate each other when placed in a chronologically logical, "natural", order, sex first, then motherhood), and sex with an animal falls outside the conceivable. The interesting thing is that in this day and age we somehow feel it ridiculous, ungrounded to feel thoroughly outraged by apparent willingness to have sex with an animal, we somehow know that this is not quite enough to insist that the position of a mother be filled by a different agent. Because we all believe in sanctity of the individual and her choice to do anything that is not illegal. It seems that as long as we take this sanctity seriously, we are outside a puritanism that is deeply misogynous (because it does not grant women the status of an individual). However, when she is pregnant, everything is different. Her free choice to be filmed doing it with a dog

neglects the interests of her soon-to-be-born child by putting its healthy development in danger. Here morally fuelled repulsion is legitimized by some quasi-medical, quasi-rational argument. And we are happy: we are not misogynous, we are not lame Victorians, we are modern, civilized people whose rational decision is guided by the interests of the child. And we may find ourselves, as I have found several people, more outraged by the dog incident than by the intention of selling the baby. But are we really thinking about the danger the baby is exposed to? If the alleged scene in the movie was a danger grave enough to declare that the woman would not be a fit mother, then why do we not declare all women who engage in dangerous activities while pregnant also unfit for the role of a mother? Women who smoke. Or even women who put up with people smoking around them? After all, secondary smoking is said to be even more dangerous... The idea is absurd not because the danger is considered smaller but simply because smoking is more accepted. But the real absurdity is this: having sex while pregnant is considered dangerous because the impact of the coitus may damage the embryo. Repulsive as it is, logically it seems that coitus with a dog is less dangerous than coitus with a man, as the impact would probably be less forceful. Yet, we do not start to talk about the need to take away the children of mothers who engaged in sexual intercourse with men while pregnant. Also, our aversion would probably be less intense if the mother were alleged to have had sex with a man instead of a dog. All the gory details considered, it seems that our morals and fears get disguised very effectively by rational considerations for the welfare of the unborn child. With morals influencing our reactions so strongly, is it any surprise that no one gets interested in the reasons why a woman who is six months pregnant might engage in a sexual act with an animal? What options did she have, how much money could she make this way, and how much otherwise?

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Soon enough then, there seems to be no fitting person occupying the position of a biological mother. This is the goal Terry Black is aiming for, whether consciously or not. Her chances to keep the baby seem to depend on whether she can appear to be a reliable citizen. If so, she has the following assets: she appears decent and non-extraordinary. By this I mean that she will appear as the average citizen, someone with understandable aspirations (to rear children) and appropriate conduct (someone who respects the law). These qualities would suggest to all the parties involved, now including the general audience reached by the media, that the initial judgment was correct: she is a fit parent. Also, by establishing herself as an ideal citizen, the opposite of the outsider by definition, she makes it easier for the public to sympathize with her in her desire to have a child. Ideally, her

story is transformed from a tale about a freak eager to capture an innocent child (a Dracula-type scenario) to a narrative about the universal quest of a human being for fulfillment.

141 She has a lot to make up for. Not only is she a transsexual transvestite (the two words mean roughly the same thing to Hungarian ears: a sexual freak who has no shame and advertises this aberration), she is an entertainer, and she is open about her Roma background. As one MC in a gay radio show remarked, it is not clear whether this scandal is about a gay person wanting to adopt, a transvestite wanting to adopt, a gypsy wanting to adopt, or all of the above. In any case, all of these aspects of her personality result in her being perceived as a marginal individual with particular interests and grievances, someone with whom one may not wish to empathize but whom, indeed, one may feel inclined to deplore. Clearly, being an entertainer is not the worst among these "characteristics" but even that casts a dubious light on a person: an entertainer is thought to be most of all a bohemian, someone who does not want to conform, an exhibitionist, everything but the reliable, boring average citizen. Being a Roma means that a person is not particularly important, whether or not we are dealing with a reliable citizen (but mostly we think we are not, gypsies are considered just as fickle and "unaverage" as entertainers are, although in other respects,). But these unfavorable positions do not pertain particularly to rearing children. Entertainers as well as ethnic minorities are welcome to the category of parent. Being a sex freak, however, does not seem so easily compatible with parenthood. It does not take a scholar to know instantly that the crux of the issue is homophobia (or a certain political agenda that uses as its vehicle, among other things, homophobia). The case became a scandal because it gave rise to a great debate on whether a queer could rear children without necessarily endangering them.

The simplest thing that is evident in the whole scandal is the heterosexist obsession that gay parents will probably "produce" children who grow up to be gay. Underneath this groundless obsession are two remarkable assumptions. First, of course, that it is bad, undesirable if a person is gay; this should be, whenever possible, prevented. This is no news. But underneath our assumption that children are somehow more susceptible to all kinds of impressions than adults (which is but a mere ideological disguise of our admission that adults should be left alone) creeps the heterosexist panic that sexuality, heterosexuality included, is far from being natural, as in necessary and self-evident. If it were not for this panic, we would listen to statistics saying that there is no difference in the sexual orientation of children reared by straight or gay parents.

Therefore, if it is so clear that it is his sexual freakiness that is the cause of the problem (as well as his original pride over having been permitted to adopt), why the unease with which the gay radio show host documented the scandal? Why does he stress that it is unclear what specific fact renders this scandal a scandal? By posing this question, I do not want to deny the complexity of the multiple positions occupied by Terry Black in the story. However, it is significant that while those multiple positions include ethnic minority as well, no Roma rights organizations have raised their voice against discrimination. Whether that is because no one perceives any racist elements in the scandal or because Roma rights activists do not want to get associated with sexual freaks, thus only adding to the stigma they want to shake off, the bottom line is that sexuality is the main structural element contributing to the intensity of the scandal. So what does it say about sexuality when we get a bit frustrated at the complexity of the issue?

The radio show host that I have mentioned before thought that something was fishy because of these complexities. True, one could not say what exactly he meant by "fishy" but his intonation suggested frustration rather than a critical observation. The whole thing is just too muddled, the boundaries are not clear enough. How should one know whether anyone should feel threatened at all? If this is a gay issue (and we all know how hot the subject of gay adoption is in the developed West), we are clearly implicated. But are we implicated to the same extent if the resistance is triggered off or complicated by transsexuality or transvestism or, moreover, by being Roma? In present-day Hungary, the meaning of the word gay is fairly straightforward for members of the non-straight "community": people attracted to members of their own sex. This definition leaves the categories of sex and gender aside: there is a consensus about what these things mean. Transsexuality and transvestism blur the meaning of these categories, thus rendering any definition of gay (and straight) unstable and contingent. This does not mean that, for example, transsexual and transgender people aim to subvert the unproblematic definitions of gay and straight. On the contrary, many of them strive to fit in within those categories and argue, for example, that they are in fact straight (finding themselves grouped together with gays due to a lack of understanding on the part of the lucky heteros, whose bodies match their sexual identities). The frustration could be interpreted as a question asking whether there would be a scandal if a conventionally gay person tried to adopt a baby.

It would be so much better if the main character was a simple, decent gay man. A person who has a marginal position in one respect only and is a perfect candidate for the universal human being in all others. Then his case would

reflect the struggle for the gay cause. Not only would it be wonderfully easy to demonstrate that the government is homophobic, it would also be clear that it has no reason to be because gay people are decent citizens and good people with sound morals, rooted in the values of the modern democratic world. It would show that the Hungarian gay population is progressive, keeps up with the West and is ready to march into the European Union. It would be a noble fight under the rainbow flag, a revolutionary battle for human rights. But mostly, it would be a clear-cut fight for getting all the privileges that non-minority people have without having to think about the status of the universal human being, what it means to be privileged and what the stakes are if one wants to be privileged.

143 In the absence of a middle-class gay man with a decent office job fighting for the cause, we have to embrace Terry Black as our hero. And we do. Despite any possible frustration about the lack of clear-cut boundaries, we know that, for the general public, transsexual and gay are pretty much the same thing, that everyone whose sexual identity is not hetero (or in the case of women, primarily hetero) is a freak. We guess that the minister's reaction would be very similar in the case of a gay person (which is why some of us wish it were a more unproblematic gay person), hence Terry Black will be the hero of the gay cause. It is important that, on the one hand, now that the decision of the Court of Guardians is being contested and annulled, his personal qualities are overshadowed by the perception of his sexual identity. Similarly, as a hero of the gay cause, he is valorized or at least defended by virtue of this orientation, not because of his personal qualities.

Terry Black is not popular in the gay circles that are active in advocating gay rights. There are several reasons for this. For example, some transsexuals do not like her or do not consider her an authentic transsexual because she does not simply identify herself as a woman. When appearing in the media, she does not always strive to look feminine, and sometimes makes vague remarks about her identity instead of clearly claiming to be a woman. Gay rights advocacy necessarily relies on unconditional acknowledgement of human rights. Terry Black is unpopular because his conduct, according to some gossip, is not compatible with such acknowledgement. This is of course, the version told by activists. The gossip among them includes accusations of child trafficking for the purpose of prostitution. Whether or not this gossip is true, the people among whom it circulates seem to be convinced that it is. By making that gossip explicit, my aim is not to judge their truth-value. Terry Black may or may not have been involved in child trafficking. I have not heard or read any pro-gay voice in favor of Terry Black as a person (I admit that my sources are limited to a few Internet forums frequented by a

gay audience such as www.pride.hu, some radio shows, private conversations with gay or gay-friendly friends). It is remarkable, however, that no one (including activists known and sought after by the media) has ever voiced those accusations throughout the course of the case that has been going on for several months now.

After all, any belief that someone has participated in child trafficking (which almost always entails prostitution) would, on some level, be associated with the person's ability to perform a parental role. Anyone acknowledging the basic rights of children will at least ask, even if not immediately answering in the negative, whether anyone abusing those rights can and will respect and protect the rights of their own children. This is directly relevant to the debate at hand: whether Terry Black is a fit parent or not.

There are several reasons why people may choose to remain silent at this point. For example, they might think they would not be able to prove the incriminating accusations. Also, in connection with the first reason, as a rule, we do not believe that following the course of the law ever brings results. We may think we cannot prove something because it seems inconceivably difficult and we are generally intimidated by anything to do with legal matters and appearing in court. We learn the importance of talking about rights (the importance being that through rights-speech we imply that we are progressive), but we are not at all accustomed to claiming rights legally. We think of the court as a place to go only when you are told to. This Eastern European heritage is precisely what Terry Black uses too to establish herself as the hero of progressive queer rights: by defying that heritage and insisting on self-advocacy using legal ways, she becomes one of the many heroes in the gay pride movement since Stonewall and leaves the provincial, autocratic Eastern Europe behind. One of the attractions of this story is that it shows that the position of the responsible, reliable citizen coincides with that of the progressive queer rights hero. The same strategy serves to please two audiences: the general (i.e. presumed to be straight) public is invited to accept Terry Black as the average, decent citizen, while gay and pro-gay people can celebrate her as the extraordinary hero of gay liberation. All this suggests an inherent contradiction within at least one branch of gay liberation discourse itself: to be a hero, to be extraordinary (and brave) is to be as decent and conforming to the avenues offered by citizenship as possible.

And this is, I think, the ultimate reason that no one has voiced this gossip about Terry Black, and that no gay activist has expressed any reservations about Terry Black openly in the media. Everyone knows that Terry Black is not attacked on personal grounds. Everyone assumes that the attacks would have come

anyway (because even the most hateful attacks remain on the level of stressing the fact that she is a sexual freak—which is "true" of everyone in gay organizations). If there are two levels on which Terry Black can be judged, the level of sexual identity and the level of personality, gay activists will not respond to an attack on the former by an attack of the latter. The message would be too complicated: yes, she should not be allowed to adopt but not because she is queer. Moreover, it is not merely that this message would be too complicated; it would be ideal for a homophobic juxtaposition suggesting that the general level impacts the personal level (at least in the case of freaks): if you are a transvestite, you are surely morally unfit. As the aim of gay rights advocacy is to render that juxtaposition unacceptable, no one would "help" any homophobe to use it yet again. People grumble to themselves or in semi-public environments (it is common to signal via an Internet message board that we all know Terry is terrible but never say explicitly what is wrong with her) but otherwise—silence.

145 It is somewhat ironic that if Terry Black had kept quiet about the fact that she was deemed a fit parent and thus had been allowed to continue the adoption procedure, which at this point required that he take care of the baby for a month under supervision, there might have been no scandal at all. After all, the minister found out about this anomaly from a paper. Perhaps Terry Black's decision to inform the media seems less due to the silly haste of an enthusiastic and proud queer parent if we know that she launched a political party a mere 2 months before taking her son home. Perhaps he intended to increase his presence in the media before the campaign for the next election (April 2002) was launched across the political spectrum. And what better free advertising for the Free Freedom Party than its founder being the first openly queer adoptive parent in the country? And according to some polls, she managed to win people's sympathy; perhaps the fact that the conservative force in power was so quick to react enhanced his political capital quite a bit (as to how much even this enhanced popularity can get him in a political climate where things shift towards a two-party system is another question).

At any rate, the department of the public prosecutor in Budapest stopped the procedure in early November, and after the initial objection of the local Court of Guardians, the decision was annulled and the procedure suspended. Meanwhile the mother "has changed her mind" and wants the child back. Moreover, soon after the adoption process had been suspended, on November 20th, the biological father declared himself as the child's father. In the absence of such a declaration (as he was not married to the mother), only the mother's con-

sent was required for the adoption procedure. Now the father's consent was necessary too. Next came the decision of the local Court of Guardians to not permit the adoption. Legally, this may have followed from the declaration of the father. But because of the impending police investigation concerning the charges of child trafficking, no party seemed to be an appropriate parent: the child was to be sent to the adoptive parent network run by the Hungarian Maltese Charity Service. Károly Ráz was not notified of the decision. The local notary showed up at his house on December 17th to execute the new order of the Court of Guardians and take the baby from the person who had been taking care of him for two months by then. According to Terry Black's lawyer, these decisions are highly disputable. If the police bring up charges of child trafficking against the natural parents, the father's declaration is no longer legally binding. He also remarked that, while his client was never officially deemed unfit for parenting, the natural parents were indeed found unfit. Nevertheless, it has also been declared that the environment of the natural parents did not endanger the development of the baby. He pointed out that it was unacceptable that his client was not notified of the decision of the court of guardians because he was not considered a "party" to the case even though, legally, a party is anyone whose rights or interests are affected by any decision. The case is full of controversies that he and his client seek to challenge in a lawsuit, by turning to the ombudsman and, if necessary, by appealing to the European Court of Human Rights. The lawyer and his client took the first two legal steps in January. Meanwhile, she has refused to give the baby to anyone until there is a valid legal decision that has come into effect.

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The lawyer has a point. There are a lot of inconsistencies in the story. If the biological parents are not considered dangerous for the child (even though they are not good enough) then why take the baby to foster parents after it has been taken away from Terry Black? If the lawyer's assessment is correct, then it seems that the only point in not leaving the baby either with the biological parents or with the adoptive one is to make sure that neither of the "competing" parties may have him while the case is open. If that is the case, what about the rights of the child? The rights of the child are, indeed, a very important factor in the debate. At one point, the minister was in fact talking about the necessity to change the law in a manner that would take children's rights into account to a greater degree. This sounds very legitimate, coming from the minister responsible for the children of the country; however, it is possible that, contrary to what it might appear to be, this statement, too, is a disguised judgment of alternative sexuality.

147 Children have the constitutional right to have their appropriate physical mental, and moral development guaranteed by the state and this right has the utmost priority in adoption cases. Of course, the formulation of this right is very loose: just precisely what constitutes appropriate development is a bit unclear and open to all sorts of interpretations (for example, whether it is the child's moral or mental development that is at stake in the present case). We may be worried, as I have mentioned above, that the child would be more likely to turn out non-heterosexual. But this fear is less and less tenable in a democratic setting where discrimination based on anything but merit is illegitimate because it raises the question why it is a bad thing to be non-heterosexual. Also, and perhaps this is a more interesting claim, we may be worried that children might suffer from discrimination themselves. Even if their "sexually different" (in Hungarian PC lingo) parents are deemed perfectly fit to be parents, even if we do not assume that their parents' homosexuality will necessarily point them in the non-straight direction, even if we do not seem to be vexed by the possibility that we have not done absolutely everything to prevent the child growing up to be queer, we can still be concerned about the child's well-being in a society that is, unfortunately, not as progressive as we are. Let us face it: it is a cruel world out there, all things queer are detested, including the children of gay parents. How will the child face the fact that his father is the laughingstock of the heterosexist and often homophobic outside world? Surely, to grow up in this hostile environment is a negative aspect of such a childhood. Hence the child's right to guaranteed appropriate development is violated if we do not try to eliminate all the possible, and probable, negative factors. So we are against this adoption not because we believe that queer people are bad, less apt, or in any way inferior to the straight population; quite the contrary: we believe that the straight population is so backward that we cannot willingly allow children to suffer the effects of that backwardness.

The latter argument is more and more common in Hungary today, at least as far as the discourse on sexual identity is concerned. This is why the Constitutional Court ruled that one of the first gay organizations, *Szivárvány*, could not be officially recognized as long as their membership did not have a minimum age limit of 18. We cannot let our vulnerable children take on the heavy burden of gay identity, a burden they are too weak to carry and one that they will not be able to get rid of later on in case they happen to change their mind and leave their non-straight identity behind. Also, during the infamous Pepsi Island Festival scandal last summer, when the local mayor wished to ban all the events and programs of the festival associated with homosexuality, he could justify the dis-

criminative act by saying that he wanted to protect children and that he also wants to protect gay people, who may be endangered due to the enhanced visibility of these events and programs. Because this was a cultural festival, he argued, the police could not send enough policemen to make sure that no gay bashing happened. Hence the programs should not take place. No one seems to ask the question this argument clearly begs, namely, that if discrimination is bad and gay bashing is a sign of a backward, homophobic culture, then why take it out on gays? Why suppress their activities and visibility and why not try to make sure that this kind of bias is counterbalanced through the force of authority? Why is that not a duty of the state along with the duties to prevent and punish other types of discrimination: racial and ethnic discrimination, the discrimination against women, religious groups, or the disabled? Any such argument is necessarily in conformity with the discrimination it claims to deplore. The blatant hypocrisy is revealed when we ask ourselves whether it would seem legitimate to say that disabled, Jewish, Roma, etc., persons should not be allowed to adopt children because of the possible (and, to varying degrees, quite probable) discrimination their children will have to suffer.¹ Nevertheless, this type of argument is probably seen as irrefutably legitimate because it either does not deal explicitly with the stigmatized element or does so only in positive terms. Therefore, any accusation of a negative bias seems unwarranted. Also, its legitimacy, I think, is enhanced by the very fact that it is not concerned about stigmatization. Precisely because it does not suggest that any agent in society should, in fact, change their ways, it is very convenient for everyone to subscribe to such an argument. Even the European Court of Human Rights accepted the argument in May 2000, when it upheld the decision of the Hungarian Constitutional Court on the Szivárvány case.

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As long as the minister uses this kind of rhetoric, the attack against Terry Black's adoption may be successful. But who knows? Nothing is certain at this point. In fact, on February 3rd, the CPES decided that, in accordance with the previous test, Károly Ráz was indeed capable of rearing children. But because the bio-

¹ An obvious response to this is that adoption is justifiable for children who already "have" the stigmatized identity of the adoptive parents themselves. This would take care of Roma adoptive parents (but by the same token raise the problem of non-Roma parents adopting Roma children; doubtless this is a traumatic situation for the child according to this kind of logic) but not parents of religious minorities (why raise someone as a Jew when perhaps adoption by Catholic parents is possible?) or disabled persons (who, just as gay parents, will not necessarily share their stigma with their children).

logical mother does not want to proceed with the adoption and because the father made the necessary declaration, they are the legal guardians of the child. However, it is not only because the case is so complicated that it is impossible to predict whether or not Hungary will have its first public gay hero in Terry Black or not. The problem is the inconsistencies and uncertainties in the story. The fact that not everything about this case has been made public makes it possible to change things retroactively. For example, the fact that neither parent seemed to be dangerous for their child (but does that mean they provide a safe environment?) and unfit for parenthood may make it convenient to argue for any kind of possible outcome.

149 These uncertainties, blurred details and the irresponsible statements made are very much characteristic of the present political atmosphere. For example, although no institution may override the actual decision of the CPES, the minister declares that he is appalled by the decision and wants to investigate it. Soon enough, the public prosecutor vetoes the decision, based on formal irregularities, no doubt. Although it is not illegal for the minister to have an opinion about a decision (that, in fact, is observance of the Hungarian Constitution) and the public prosecutor has the right to revoke official decisions, so that, technically, nothing illegal has occurred (except for the fact that the move was not based on any formal irregularities but on the assumption that the decision was not sound), what has happened is in a very peculiar zone as far as legality is concerned.

It does not take a politician or an official breaking the letter of the law to scar the legitimacy of democracy. It is quite enough that they are not held accountable. Lack of accountability (or perhaps I should say self-regulation) enables a charismatic system to effectively inhabit a bureaucratic institution. In other words, in a system based on positions for capable officials (who must be experts in a given field, or at least competent enough to manage experts), these positions are taken up by people whose work is guided by subjective opinions, political affiliations, etc. In the adoption case, the minister obviously thinks that it is indisputable that transvestites can by no means be considered appropriate adoptive parents. I guess it is because he is heterosexist and homophobic. But the problem is not in the fact that he could be prejudiced. The problem is that he is convinced that his opinion stands above that of the institution whose expertise should be decisive in such matters. Another grave problem is (and here the lack of accountability proves crucial) that he is right: there nothing to suggest that the opposite is the case. The head of the CPES can publicly ponder the minister's motives in a sarcastic manner but no one asks the minister or the officials at his ministry try to argue their case. This lack of accountability creates an atmosphere where officials can say

whatever is on their minds without any restrictions because there are no repercussions. So doxa may rule if it serves political interests (and doxa tends to do that). The minister of social and family issues is not an isolated case of a charismatic official in a bureaucratic position. And speaking one's mind is not the gravest aspect of this phenomenon, quite the contrary, it at least provides some amusement. Recently, the name and title of the head of one district in Budapest appeared on the list of sponsors on the back of a CD containing extremely nationalist, brutally xenophobic anti-Trianon-songs. It is quite unbelievable that any politician can both actually sponsor such a thing and let her name appear on a CD (which means that she had no sense of a faux pas). But it can go to yet another level: when a journalist asked her whether it had ever crossed her mind that, by letting her official title appear on the list, she in fact legitimized the message of those songs, she thought it was all right to say "Really? It has never occurred to me." Whether or not she was serious or sarcastic does not matter a whole lot: either she sees no problem in revealing that she is utterly unprofessional or she has no problem saying that she does not care a bit about how she abuses her title. Or whether other people may think she does. Similarly, at the time of the Pepsi Island scandal nothing forced the minister of justice to think twice before naming Christianity as the framework whose ethic is capable of facilitating a dialogue between gay groups and society as a whole. When asked why she would not rather use the framework of democratic rights (the one she owes her position as the minister of justice to), her response was that she was a Christian. This blend of charisma and bureaucracy is dangerous because it is not simply that the former tends to occupy the latter. Charismatic systems are also regulated by the power of legitimacy the charismatic leader can exert. If leaders do not appear to be legitimate any more, there are ways to get rid of them, and their charisma is constantly put to the test (we can think of spiritual leaders in this regard). But in our case, charismatic regulation is out of the question (we cannot just say we do not want this minister any more), these leaders enjoy the protection of the bureaucratic position they occupy.

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I think we Hungarians may prepare to rejoice: we have a fair chance to make history in civil society. We might produce the first legal gay adoption public hero. It will be a scenario where the biological mother is anything but what we think a mother should be, the gay hero will be anything but what we imagine a classic gay citizen to be, where the legality that allows this Eastern European miracle of human rights is eroded by officials who do not have to invest even the slightest effort into appearing consistent with the hypocrisies held to be progressive, European standards. And if we are lucky, no one will ever notice. Including ourselves.